

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 17-5035-01-CR-SW-RK
)	
JOHNNY T. TAYLOR,)	
)	
Defendant.)	

ORDER

Pending is Defendant Johnny T. Taylor’s Motion to Suppress. (Doc. 72.) Defendant seeks to suppress “all statements and evidence obtained by the government pursuant to the warrantless seizure of Mr. Taylor . . . on May 8, 2017.” *Id.* at 1. On July 30, 2019, Magistrate Judge David P. Rush conducted an evidentiary hearing on Defendant’s Motion to Suppress. (Doc. 89.) On November 1, 2019, Judge Rush issued his Report and Recommendation concluding the Court should deny Defendant’s Motion to Suppress. (Doc. 91.)

On November 14, 2019, Defendant filed objections to the Report and Recommendation. (Doc. 92.) Defendant argues law enforcement officers lacked probable cause to seize and arrest him because he was merely present at the location being searched, and no evidence linked him to the drugs. But, as detailed in Judge Rush’s Report and Recommendation, this argument is inaccurate. Law enforcement officers were told the package containing drugs was for Defendant and his girlfriend; Defendant and his girlfriend arranged for delivery of the package to the girlfriend’s brother, J.M., two days before its delivery; J.M. was told his sister and Defendant would pay him \$200 for accepting delivery; J.M., an informant previously unknown to law enforcement officers, described Defendant as a large black male who drove a white van, which matched the driver and vehicle that arrived at J.M.’s residence when Defendant’s girlfriend attempted to pick up the package; and the information provided by J.M. was corroborated by law enforcement officers’ subsequent independent observations. (Doc. 91, at 2-3, 5-8.)

Based upon the Court’s careful and independent review of Defendant’s Motion to Suppress (Doc. 72), the Government’s Opposition to Defendant’s Motion to Suppress (Doc. 73), the Government’s Supplemental Opposition to Defendant’s Motion to Suppress (Doc. 88),

Defendant's Supplemental Suggestions in Support of Motion to Suppress (Doc. 90), and Defendant's Objections to the Report and Recommendation (Doc. 92), as well as the applicable law, this Court agrees with Judge Rush's conclusion that the law enforcement officers, based on the information they possessed and the circumstances, reasonably believed Defendant was attempting to possess methamphetamine with the intent to distribute it. The Court, therefore, adopts and incorporates Judge Rush's Report and Recommendation as the Court's own Opinion and Order.

Accordingly, Defendant's Objections to the Report and Recommendation (Doc. 92) are **OVERRULED**, and Defendant's Motion to Suppress (Doc. 72) is **DENIED**.
IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: April 30, 2020